

Applicant submits that Figures 3A and 3B illustrate a retention structure **concentrically** disposed about the longitudinal axis of the shaft. Particularly, Applicant directs Examiner's attention to Figure 3A, a view along the catheter's longitudinal axis, illustrating the concentric orientation of the disclosed retention structure. Claims 1 and 12 include a limitation that the retention structure **non-concentrically** disposed about the longitudinal axis of the shaft. In order for a rejection under 35 U.S.C. § 102(b) to be proper, every element of Applicant's claim must be taught in the cited reference. The Galloway patent does not teach or suggest a retention structure non-concentrically disposed about the longitudinal axis of the shaft. Therefore, a rejection under 35 U.S.C. § 102(b) is improper.

Accordingly, Applicant respectfully requests that the rejection of Claims 1 and 12 under 35 U.S.C. § 102(b) be withdrawn.

Further, rejected Claims 2-11 are dependent upon Claim 1 and Claim 13 is dependent upon Claim 12. Since Claims 1 and 12 are not anticipated for the reasons discussed above, Claims 2-11 and 13 are also not anticipated. Therefore, the rejection of rejected Claims 2-11 and 13 under 35 U.S.C. § 102(b) is improper.

Accordingly, Applicants respectfully request that the rejection of Claims 2-11 and 13 under 35 U.S.C. § 102(b) be withdrawn.

The Examiner rejected Claim 13 under 35 U.S.C. § 103(a) as being unpatentable over the Galloway patent in view of U.S. Patent No. 5,352,182 to Kalb et al. (the Kalb et al. patent). Examiner contends that the Galloway patent discloses a method of treatment substantially as taught in Claim 13 and that the Kalb et al. patent teaches a method of treating incontinence comprising inserting a stylet to a lumen to render a retention device rectilinear. Applicant respectfully traverses this rejection of the claim. Applicant submits that neither the Galloway patent nor the Kalb et al. patent disclose a retention structure non-concentrically disposed about the longitudinal axis of the shaft. Claim 13 includes a limitation for a retention structure non-concentrically disposed about the longitudinal axis of the shaft. As Examiner knows, obviousness cannot be established when the combined disclosures of the cited references do not teach all limitations of the claimed invention. Therefore, the rejection of Claim 13 under 35 U.S.C. § 103(a) is improper.

Accordingly, Applicant respectfully requests that the rejection of Claim 13 35 U.S.C. § 103(a) be withdrawn.

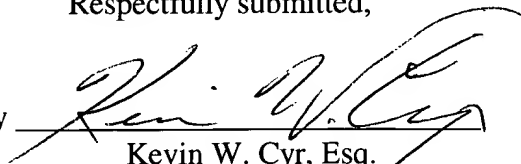
In view of Applicant's remarks, the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue is respectfully requested.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-1265. If an extension of time under 37 C.F.R. § 1.136 is required, such an extension is requested and the fee should be charged to our deposit account.

Respectfully submitted,

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By



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